

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PHILIP AND MICHELE LONG,	:	CIVIL NO. 1:CV-09-0602
Plaintiffs		⋮
v.		⋮
JAMES HOLTRY, <i>et al.</i>,	:	⋮
Defendants		⋮

**ORDER REFERRING CASE TO MEDIATION
AND APPOINTING MEDIATOR**

Before the court is a joint request for court-ordered mediation in the captioned case. Upon consideration thereof, **IT IS HEREBY ORDERED THAT:**

(a) Referral to Mediation: This case is referred to the mediation process in an attempt to achieve an equitable settlement of the issues. The following individual is hereby appointed by the Court to serve as a mediator in this action:

Name of Mediator:	Victoria S. Madden, Esquire
Address:	Chief Hearing Officer
	Pennsylvania Board of Probation & Parole
	1101 South Front Street
	Harrisburg, PA 17104
Telephone Number:	717-787-5699, ext. 391
E-mail:	vmadden@state.pa.us

(b) Scheduling and Conduct of Mediation Conference(s): The mediation conference(s) shall be scheduled and conducted in accordance with Rules 16.8.5 and 16.8.6 of the Middle District. The first such mediation session shall be held within sixty (60) days of the date of this order at a time, date, and location to be set by the mediator.

(c) General Rules Governing the Mediation Conference: All counsel and the mediator are to become familiar with Chapter VI, ALTERNATIVE

DISPUTE RESOLUTION, of the Local Rules for the U.S. District Court, Middle District of Pennsylvania.

(d) Compensation of the Mediator: In accordance with Rule 16.8.3 of the Middle District, the services of the mediator's preparation time and the first six hours of mediation services shall be provided pro bono. After six hours of mediation, the parties and the mediator shall agree to one of the following courses of action:(1) to terminate the mediation; (2) to continue the mediation with the mediator providing his or her services on a pro bono basis; or (3) to continue the mediation with the mediator providing his or her services at the mediator's regular hourly rate for professional services rendered to the mediator's typical clientele or, in the absence of a standard hourly rate, at the rate of \$200.00 per hour. If the parties and the mediator are unable to agree on a course of action, the mediation shall be terminated. If the parties and the mediator select option (3), all terms and conditions of the mediator's fee agreement must be set forth in writing. The parties shall pay the mediator directly. The court assumes no responsibility for the supervision or enforcement of the parties' agreement to pay for mediation services.

(e) Report. The mediator shall file a report on the outcome of the mediation within five (5) days of the completion of the mediation process. A form report is attached.

(f) Case Deadlines. The case management deadlines and briefing on the motion for summary judgment are stayed until further order of court. An order setting new deadlines will issue, if necessary, after receipt by the court of the mediation report.

s/Sylvia H. Rambo
United States District Judge

Dated: July 12, 2010.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHILIP AND MICHELE LONG, : **CIVIL NO. 1:CV-09-0602**
Plaintiffs :
v.
JAMES HOLTRY, et al., :
Defendants :

MEDIATION REPORT

In accordance with the Court's mediation order, a mediation conference was held on _____, and the results of that conference are indicated below:

(a) The following individuals, parties, corporate representatives, and/or claims professionals attended and participated in the mediation conference, and each possessed the requisite settlement authority:

- All individual parties and their counsel.
 Designated corporate representatives.
 Required claims professionals.
 Other (Describe). _____

(b) The following individuals, parties, corporate representatives, and/or claims professionals failed to appear and/or participate as ordered:

- _____

(c) The outcome of the mediation conference was:

The case has been completely settled. Counsel will promptly notify the court in writing of the settlement.

The case has been partially resolved. Counsel have been instructed to file with the court, a joint stipulation regarding those claims which have been resolved within ten (10) days of this report. The following issues remain for this court to resolve:

The parties have reached an impasse.

Done this _____ day of _____, _____.

Signature of Mediator

Victoria S. Madden, Esquire
Name of Mediator

Phone 717-787-5699, ext. 391